LIBERTY OF THE PRESS.

INPORTANT DECISION OF JUDGE BOSWORTH. New York Superior Court-Special Term May, 1853.

MARSHALL BARBER, AN INFANT, BY HIS GUARDIAN, JOHN BARBER, AGAINST JAMES GORDON BENNETT. This case comes before the Court on a denumer by the plaintiff to each of two separate defences in seeposed to the complaint, by the defendant's auswer. The defendant claims that, the defence first demarred to alleges the truth of the article for the publishing of which this action is brought, and that the part of it thirdly demurred to avers in substance that the publication is a fair and impartial report of a pro ceeding before a police justice, in open court, when the plaintiff and his accuser were present, and insists that such a publication is privileged. The complaint sets out at length the publication, with numerous inuendoes. The questions which arise are: First-What does the answer in fact aver; and, second-What are the defendant's rights on the facts averred

and which the demurrer assumes to be true? L. Gardenier, for plaintiff. Benjamin Galbraith, for defendant. Besworth Justice :- The article published in the Naw YORK HERALD, charged to be libellous, has this caption, viz .: - "Suspicion of stealing money." It then proceeds to state the arrest of the plaintiff on suspicion; what "appeared by the affidavit of the complainant;" that plaintiff, when arrested. "denied the charge and protested his innocence; that nothing was found in his possession whereby any evidence could be elicited which exhibited guilt, any more than the suspicious circumstances. Justice Osborn, before whom the accused was taken, ordered him to be detained for a further hearing." The complaint avers that by this article the defendant falsely insinuated and caused it to be believed that the plaintiff was guilty of stealing. The defendant answers. First, that before the article was published B. W. Osborn was a police justice of the First judicial district, and had cognizance of complaints charging persons with crime, or suspicion of crime, and power to cause them to be arrested and brought before him; and that on the 5th of Decembrought before him; and that on the 5th of December, 1851, one C. F. Breithaupt went before him while holding a public court as such police justice, "and made oath and it was true in fact that." Lo., stating the matters which the publication alleged "appeared by the affidavit of the complainant." It then avers the issuing of a warrant by Justice Oeborn for and the arrest of the plaintiff by the officer named in the published article; that plaintiff being brought into open court before such justice was informed of the charge against him; that he denied the same, and demanded to have a hearing on the complaint, and the examination of the witnesses against him, in open court, in his fore such justice was informed of the charge against him; that he denied the same, and demanded to have a hearing on the complaint, and the examination of the witnesses against him, in open court, in his presence; and that the sixth of December, 1851, was fixed by the Justice as the day for such hearing; and that on that day the plaintiff and his arcuser appeared in open court, before the said Justice; that C. P. Briethaupt was then sworn in dae form of law, and did "then and there, in open court, and in the presence and hearing of the plaintiff, repeat the said complaint by him made, in manner and as to the effect hereinbefore set forth, and was then and there? examined by the plaintiff, and the Justice heard what was alleged on behalf of the plaintiff, and ordered him to be detained for a forther hearing; "wherefore the defendant, on his information and belief, says that the said alleged littel in the complaint set forth was at the time of the publication thereof true, &c. The publication is averred to have been made os the 8th of December, 1551. This defence, though in some respects inartificially stated in the answer, is in substance and according to the natural and obvious meaning of the allegations of the answer, one festing on the truth of the statements contained in the article published. In a civil action to recover damages for publishing a libelous article it is a perfect and full defence that the facts published are true. If true, it is of no consequence that the publication was maliciously made. The law presumes that no man can be pecaniarly injured by having the truth spoken or published concerning him. And provided what is said or published is frue, it is of no consequence that the publication on the cause assigned, was interposed in the belief that it simply raised the question whether unch a publication was privileged, if a fair and accurate report of what transpired in the police court. This part of the cause assigned was interposed in the belief that it simply raised the question whether that open court, when the plaintiff was present and confronted by the accuser and his witnesses, and had an opportunity to cross-examine the witnesses and to introduce others, and to be examined himself in exculpation of the charge. The detendant contends that such a report is privileged and may be lawfully made. The plaintiff in the cause of demurrer assigned assumes that it was an expurit proceeding, and that reports of such proceedings, however accurate, are not privileged. The article itself, in its terms, states the fact of the arrest of the plaintiff, his denial of the charge, his protestation of his innocence, that no evidence of goilt was discovered beyond the circumstance deposed to, and that he was detained for a further hearing. This part of the answer avers the arrest on the 5th of December, the designation of the 6th for, and the hearing of the matter in open court on that day, the repetition then and there of the charge contained in the affidavit, the result of the proceedings, and that the alleged libel "is a fair and impartial report of the proceedings had and taken" upon the said charge, in open court, before the said Justice, and the same was published as an item of public news, in good faith and without malice, in the newspaper named, of which defendant was the publisher. The article was published after the public examination of the charge. It cannot be denied that a full and fair report of the proceedings on a trial in court may be justifiably published. Duncan vs. Thwaites, 3 Barn, and Cress., 556, is a leading case on the subject. In that case, the sixth plea, which justified that exparts complaints inputing a crime cannot be ustifiably published. Duncan vs. Thwaites, 3 Barn. and Cress., 556, is a leading case on the subject. In that case, the sixth plea, which justified me of the libels, viz.: that the plantoff was examined in the police office, on a criminal charge, and ordered to enter into a recognizance, by averring that he ras so examined, and that he was required to enter into such recognizance, was held good, on the ground that it "contained no detail of the evidence, nor any comment upon the case, but nakedly stated the result of what the Justice thought fit to do." On looking at the libel to which this plea was interposed, it will be seen that it states expressly with what crime the plaintiff had been charged, that he had been examined in relation to it, and had been ordered to enter into recognizances to the amount of £200 for his appearance at the sessions, and that all the witnesses were bound over to to the amount of £200 for his appearance at the sessions, and that all the witne-ses were bound over to
prosecute; yet that plea although it advertised to the
world that the plaintiff had been arre-ted on the charge
of having committed a high crime, and after being
examined in relation to it had been required to give
escurity for his appearance to answer to it, was held
to be good, and to be a defence to such publication.
It certainly as much imputed that the plaintiff had
committed a crime as the publication of the comniant itself would. On principle, it would seem committed a crime as the publication of the com-plaint itself would. On principle, it would seem that if the latter is indefensible, the former ought to be held to be so. The second pies, and which was held bad, sought to justify the publication of an ar-ticle on another day relating to the same complaint, ticle on another day relating to the same complaint, and an examination respecting it, in which some comments were made on the evidence given. The plea sought to justify it on the ground that the article was a fair and just report of the proceedings which took place on the days alluded to in the article. The Court, in its opinion, said:—"The proceeding now in question was before justices of the peace, and was of a kind which they may lawfully conduct in private whenever they think fit so to do." And being of such a character, and a mere preliminary inquiry to ascertain whether there was sufficient evidence to hold him to ball to take his trial before a jury, and not being a court for final dotrial before a jury, and not being a court for final de-termination it was not lawful to publish the proceed-ings. In that case, the sixth plea, as well as the second, attempted to justify the publication of an article relating to a mere preliminary inquiry, enter-lained by a court not authorized to make a final tetramination.

court within it must be public, and every eithers, the many threat stated the same. That a purson is army the public stated the same that is required to examine the complainant and his witnesses in the presence of the prisoner. 2. R. S. 708, § 13. He has a right to be attended by counsel, and he is to be allowed sufficient time to sear for and advise witnesses on his own behalf, and to have the assistance of counsel in examinations. It is to the such a surprisoner to the accused, amounts only to a decision of that question in the affirmative. The case citted from 3 of Barn & Creswell, holds that the testimony given cannot be justifiably published; but that the action of the matural presumption is that the magistrate decision which adjudges that there is protable came may be published to the evidence on which the decision was made. The natural presumption is that the magistrate decided correctly on the evidence before him, and that there was sufficient evidence be show the decision of the accused had correctly on the evidence before him, and that there was officient evidence be show the decision of the accused his provided the public would think the evidence on which the public would think after an examination had been had the accused had been committed to avait the action of a grand jury. This examination, like that in Duncan vs. Threates, was a mere preliminary inquiry, to determine whether a court having authority to make a final determination. Are these two facts, that it was a preliminary enquiry, and before an officer not authorized to make a final determination in the sund a final determination of the found against him. It was not before a court having authority to make a final determination. Are these two facts, that it was a preliminary enquiry, and before an officer not authorized to make a final determination in the country of the proceedings to the proceedings to the offence, that witnesses had been examined in relation to it, and that on concluding the examination he had been required to give security to appear and answer to any indictment that might be found against him. And Duncan vs. Thwaites adjudges that such a publication, in relation to a preliminary inquiry before a police justice, which may be strictly private, and on which the accused has not even the right to be aided by counsel, is privileged. Duncan vs. Thwaites, 3, Bain & Cress, 556. Cox vs. Coleridge, I Barn & Cress, 27. Curry vs. Walter, I Bos. & P. 525. King vs. J. Wright, 8 Term R. 293. In Delegal vs. Higley, 3 Bing. N. C. 950, decided in 1837, the fourth and sixth pleas to the second count attempted to justify the libel—which was a publication of a police report of an examination in relation to an alleged criminal offence—on the ground that it 'was a full and true account of all that took place before the Lord Mayor, touching the said charge and complaint.' Tindal, Ch. J., said it was unnecessary to decide "whether the publishing of a fair and corto it, and that on concluding the examination he had the Lord Mayor, touching the said charge and com-plaint." Tindal, Ch. J., said it was unnecessary to decide "whether the publishing of a fair and cor-rect account of proceedings, ex parte, upon a charge before a magistrate, is or is not a privileged com-munication." If this had been so often and explicit-ly decided in the negative, prior to the decision of Duncan vs. Thwaites, in 1824, as not to be then deemed an open question, it is somewhat singular that Ch. J. Tindal should have besitated to commit himself upon the question thirteen vears subsequent-

that Ch. J. Tindai should have besitated to commit himself upon the question thirteen years subsequently. In Delegal vs. Higley, 8 Car. & P. 444, tried before Tindai, Ch. J., in 1837, the third count was for publication of a libel. The article professed to be an account of proceedings had before the Lord Mayor, on the plaintiff being charged before him with having committed a criminal offence. He charged the jury, among other things, "that the question will be whether this is a fair and impartial statement of what took place without any coloring or exagers. committed a criminal offence. He charged the jury, among other things, "that the question will be whether this is a fair and impartial statement of what took place, without any coloring or exargeration, putting in all that is in favor of the plaintiff as well as all that is against him." If the law had been long previously well settled in England that the publication of a fair and impartial report of such proceedings, when containing matter inducing the reader to suspect the accosed had committed a criminal offence, was actionable, the charge, to say the least, was most extraordinary. 12 Ad. and Ellis, N. S. 511, Simpson vs. Robinson.—Smith vs. Scott, et al., 2 Car. & Kir., 580, tried in 1847, was an action for libel by reason of a publication reflecting on the character of the plaintiff, and professing to contain a report of the proceedings before two judges of different courts, at chambers, on applications under the Bankrupt act, (5 and 6, Vict. c. 122, sec. 42.) to discharge a bankrupt out of custody. The defence was that it was a fair account of what took place before those judges when acting in a judicial capacity. Coleridge J. charged the jury, among other things, thus:—"You will, therefore, consider, on the whole of the evidence which has been given, whether this is, or is not, a correct and accurate statement of what passed before the two learned judges on the occasion referred to. If you think it is, you will find for the defendant." Stanley vs. Webb. 4 Sand, S. C. R., 21, differs from this case in this respect: the former was a report of an exparte proceeding had in the absence of the accused, when he was enabled to cross-examine the witnesses who testified against him, and to introduce witnesses in his own behalf. In the former case the article had a heading which characterized the transaction to which the article related and which the court held was not privileged. No such feature exists in this case; and I am satisfied that the Judges who sat in that case, an con curred in the judgement rendered, d

opportunity to give evidence, and be heard in their own behalf, is privileged. The defendant in his third defence, alleges what did in fact take place; and assuming those allegations to be true, as they must be deemed to be on a demurrer, the published article appears to be a fair and accurate report of the proceedings. These proceedings having taken place before a judicial officer, acting in his efficial capacity, in the presence of the defendant, on a day fixed for the purpose at his request, when it was his right to be assisted by counsel, and to introduce witnesses in his own behalf, the publisher of a newspaper is justified in publishing, for the information of the public, a fair and correct report of what transpired on that occasion. Decisions on such a subject by the judicial tribunals of a government whose security is not to be sought in whole or in part by imposing severe restrictions, or establishing a censorship over the press, cannot be expected to be influenced by any of those considerations of policy or expediency which may enter into the judgment where the press is regarded as the subverter and not as a supporter of existing political institutions. An intelligent and fearless press, indefatigable and accurate in informing the mass of community of the public transactions of every department of government, energetic but just in its censures of dereliction from duty, unfaltering in its advocacy of the supremacy of the law, and of redressing and obviating evils in the mode they prescribe, is not regarded as a dangerous power, potent as it is, by the friends of free institutions. I know of no, adjudged cases which require me to hold that its proprietors are not at liberty to publish fair and accurate reports of such proceedings as the one to which the article in question relates. The body that the public advantage of extending immunity to them in such cases is paramount to any detriment which it can be supposed will result to the individual citaen. I think such immunity is given by law. The defendant

UNITED STATES CIRCUIT COURT. Enfore Justice Nelson TRIAL BY DAVIEL MOIDAY, CAPTAIN OF THE SHIP ROSCIUS, CHARGED WITH THE MURDER OF EMANUEL.

JUNE 9.—Mr. Fullerton said that all his other witnesses had left for Philade phis and that, with the exception of proving a letter from Capt. Molony to Munn, their testimony was closed. This they would produce when Munn came into court.

had left for Philades phis and that, with the exception of proving a letter from Capt. Molony to Munn, their testimony was closed. This they would produce when Munn came into court.

Capt. Bunting was called for the defence—Was Captain of the Constantine, and other ships in the Liverpool trade for the last fitteen years; I was in court at the time the boy George (the French boy) was examined as a witness; I heard the whole of his direct testimony; I knew the witness Stephen B. Munn; I was introduced to him about a week before the trial in the Marshal's office. Q.—Did you hear a conversation of Munn with regard to the testimony of the French boy? Objected to and admitted.

Witness continued—On the steps below, about an hour after the testimony of the French boy, I met Munn and he accosted me about this case; I said to Munn this case cre-ents quite a different phase from what it did at the opening; Munn said yes, it did; and every word the French boy said was true, except that he was an hour and a half ahead of his time.

The witness was not cross-examined.

William King, ship joiner—I examined the form the transaction we are talking about.

Cross-examined—Measured the ship since she came in this last trip; she has changed owners since the transaction we are talking about.

Heary Virden, pilt, residing at Delaware, deposed—I know Capt. Molony since 1845 or 1845; I piloted him once; I have associated with mariners: I have towed Captain Molony fifteen or twenty times out of the Delaware; I have had a opportunities of seeing his crews and passengers: I have had no poportunity of kno wing his general character; agod until this case I have never heard anything against him.

Cross examined—Generally an sixty miles on board of his thip; sometimes I am on board, sometimes not; have seen the crews and Capt. Molony for four or five days together: I have and an opportunities of seeing his crews and passengers: I have never heard anything against him.

Cross examined—Generally an intit this case I have never heard anything.

say he had given them clothes: I can't say that I ever beard him hadly spoken of; I am not quite certain of anything.

John Power, shipmaster—Knows Captain Molesy perceally, since 1845. He was second officer with me then, in the brig Elizabeth. I have associated with maritims men and had an opportunity of becoming acquaisted with Captain Molency's general character. It is good.

To Mr. Fullerton—Knows nothing about him since he came to New York.

Captain Holiner recalled—Has been with Captain Molency, at sea and on shore; was first officer on board the bark Ann Hod; Moleny was second filter; I have had an opportunity of becoming acquainted with his general character among maritime mes.

Cross-samiled.—The opportunity I had of ascertaining his general character was by associating with him in Livergool, up to the 13th December last; I was in port there, as I aster of a vessel.

Withism Phillips deposed—I followed the sea for four years; knew Captain Moleny for three years; salled four years; knew Captain Moleny for three years; salled four years; knew Captain Moleny for three years; salled four years; which him, between Livergool and Philadelphia; had an opportunity of knowing his character, on sea and on land; every sailor man I ever heard speak of Captain Moleny always spoke well of him, and always would ge the second voyage with him; have seen him since was king about in Philacelphia.

Henry Anorews, house carpenter—Followed the sea; have been with Captain Moleny as ordinary seems. I know Captain Moleny; have gone three voyages with him between Philadelphia and Liverpool; had an opp rtunity of learning what people say of him; the general talk of him is well.

Chus, Delch, rigger—Knows Capt Moleny; he was a boy

between Poliadelphia and Liverpoot, had an opportunity of learning what people say of him, the general talk of him is well.

Chas. Belch, rigger—Knows Capt. Molony; he was a boy under me when I was botatwain of a ship about ten years here to be a second of the terming are for the wars four voyages with me between Principlita and the promise of the terming are for the wars and the promise of the promi

Wm. W Lyons—I was formerly one of the deputies of the Marshal until the change of Marshal's, I know Stephen B. Munn, Jr.; il had a conversation with him about George, the French boy, immedia ely after the boy gave his testiment, I asked Mr. Munn, myself. "How about that testiment of the boy, is it true or not?" said he. "It is true, with the excep ion of time in two instances."
Captain William Laurence was called to contradict some statement of Mr. Munns, but it was objected to by the prosecution and he was not examined.

The Court waites some time for a witness for the defence, but he not arriving, Mr. Cutting said their case was closed.

Mr. Fullerton then offered in evidence a letter from Captain Moleny to Munn, which is the one alluded to in Munn's letter addressed to Mr. Cutting, and read in court yes edge.

Captain Molecu to Mune, which is the one sludged to in Muner's letter addressed to Mr. Cutting, and read in court yes edgy.

Mr. Cutting objected to the letter as whilly irrelevant. It, nowever, they wanted to put the letter in evidence, et the government place Munn on the stand and prove it. Mr. Fellerton convended that it was admissable, and that the government were not sware of its existence until their case had been closed.

The Judge having read both letter that would afford an explanation of the one that had been read. It ought to have been read at the time, but it is a business letter, and has no material bearing on the case.

Mr. Fullert in said—It was more, it alluded to transactions on beare he ship.

Captae Bunting rocalled—Went down to the ship Roscios and had the boat hung up; the height of the keel above the rail is one luch and a quarter.

To M Fullerton—That boat has been used aboard that same ship for several years; I oun't swear that that was the same boat that was on the Roscios at the time of this transaction.

the same boat that was on the Rossius at the time of this transaction by bere closed on both sides. The testimony bere closed on both sides. The Judge then said that if the Counsel could arrange it so as to cooline the summing up to one coursed on each side, in order that they uight arrange the ovidence. The case had been very fully opened by the counsel for the government, and replied to by the counsel for the descent. Counsel on both sides assested to the suggestion of the Judge, and the court was adjourned to 18 o'cleck, Friday meeting, when the Bon Oguen Hollman will sum up for the account.

letermination. The articles attempted to represent the day of the two pleas related to the examination into the same charge on different days. Both advertised its proceedings upon a criminal complaint, when the accused is not present, does not artic in this case, and which the examining magistrate proceedings upon a criminal complaint, when the accused is not present, does not artic in this case, and which was unfavorable to the accused. The plea was held good, and the other bad: the one ield bad gave a statement of the evidence, accompanied with editorial comments reflecting on the character of the accused. This last fact was enough to deprive the defendant of the benefit of the claim, that the publication was privilezed. It could not be said to be a full and fair report of what took place and only that. And the examination was one which, by the laws of England, might have been private.

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The Turz.

UNION GOURSE, L. I.—PAGING.

A pacing match fer \$1,000, mile beats, came off on Tuesday afternoon, between g. g. Leander (to sulky) and r. g. Roanoke (to wagon.) The stake was given to Leander, netwithstanding he violated the rules, and should have been distanced. The race was begus with had feeling and ended with worse; the ewner of Roanoke declaring that if the stakes were given up he would at ence commence an action against the stakeholder for his \$500. Such proceedings must have a tendency to injure the turf. Persons making matches must abide by the desistion of the judges appointed to conduct the race; and when they get burnt, they will find ample time for reflection during the nursing of the blister, to study how to avoid fire in the future. The case of the owner of Roanoke is but one in a hundred. Horses that should have been distanced for violations of the rules have time and again been declared winners at the expense of thousands to the outside financiers. Nine-tenths of the sands to the outside financiers. Nine-tenths of the turfmen in this country would have given this race to Roanoke instead of Leander, simply because the latter came first to the post a distanced horse, which at once destroyed all of his right to the stakes, and then, as a matter of course, Roanoke became a winner, no matter how far he may have been behind. Judges should never decide a race hastily; timely reflection and close eb. tend to elevate the feeling in favor of breeding and training fast horses for the turf. A greater portion of the money bet outside, was drawn before the decision of the judges was delivered. The following report will show

the money bet enteide, was drawn before the decision of the judges was delivered. The following report will show the cause of all the trouble in the race.

First Heat.—Leander was the favorite previous to the start at 100 to 10. Rosnoke won the pole, and took the start at the start, the gray breaking at the word. He led to the quarier pole is forty seconds, the gray closing on him very rapidly. Down the backstretch, Rosnoke increased his speed; and although the gray made a bold push to get in froat, the roan was a length clear at the half mits pole, in 1:15. On the lower turn, the gray went up and lapped Rosnoke, and they swung on the homestretch head to head. The gray then made an effort to bolt; he crossed the track, broke up, ran against the fence; and his driver had considerable trouble in getting him to sork again in time to save being distanced. The driver of Rosnoke, instead of forcing his horse along, after seeing the mishap to the gray, took him in hand, and came isisurely heme. He could have distanced the gray easily, and thus have saved all the ill-feeling that occurred in the subsequent heat. However, we will not find fault with the driver of Rosnoke for this oversight. What may appear plain to the looker-on, may be very obscure to the driver of a race. Rosnoke won the heat by sixty yards. Time, 2:32.

Second Heat -Rosnoke now became the favorite, and 100 to 70 was offered and taken. The horses came up for the word at a rate of speed impossible to last long, and in a second or so after the word was given, Rosnoke broke up, and bounced and floundered about in a manner peculiar to himself. He was over one hundred yards behind when the gray reached the quarter pole, and still very unsteady. Issae Woodruff finding the roan up, forced the gray along at the top of his speed, intending to shut the other out if possible, but he went too fast, and the gray was carried off his feet. He was at the half mills pole in 1:14, and apparently wanting to give up the contest. Rosnoke was still prancing, and at least t

sulley, (trotter). 2 0 1 2
Mr Stark's (Vi Turner) bl. g. Creeper, sadde, (pacer). 3 3 3 ds.
Time, 5-27-5-35-5-3364-5-304.

MAY 7.—Pacing purse, \$250 mile heats, in harness.
Mr. Stark entered b. g. Mountain Buck. 1 0 1
Mr. Crocks entered b. g. Wm. Tell. 2 0 2

MAY 5.—Match. \$2 000, naile heats.
Mr. Vi Turner named b. g. Creeper, (pacer) under the saddle. 1 1
Mr. Campbell extered g. s. Dominick Burnett, (trotter) in harness. 2 2

Thee 2-4344-2-5034.

EDWINT THEATHE.—Mr. Chanfrau, a very popular and talented actor takes his benefit to-night, and presents a bill of great variety for the amusement of his friends. The first piece is the drama of "The French Spy," with Miss Albertine and Mr. Stevens in the leading parts; the next is the local piece, "A Glance at New York," with Ckanfrau as wees and the last will be "The Stage Driver," with the celebrated artists, Mr. Eddy and Mrs. Parker, in the prominent characters. To morrow Mr. Chanfrau's engagement closes.

Broadway Inharms.—The receipts of this evening are for the benefit of an excellent actrees and greas, favorite.

WALLACK'S THEATRE—The beautiful comedy of "As You Like it." which has been produced in the greatest spendor, will be repeated this evening, with the same in-initiable cast. Messra Wallack Blake, Lester, Walcott, Reywolds Miss Laura Keens, Miss Gould, and other calabrated artists. In the leading characters. The orchestra will play several splendid musical pieces; Miss Malvina will dance, and the entertainments will conclude with "My Fellow Clerk."

will dance, and the entertainments will conclude with "My Fellow Clerk."

St. Charles Theatre.—The pieces selected for this afternoom and evening are of a very attractive description, the receipts being for the benefit of Mrs. Mason. The first feature is the comedy of the "Deal Shot," followed by "Ladies' Rights." Mr. Quinn will dance an Irish jig. The next will be the drams of "Michael Earls," and the terminating piece will be "Ladies' Rights."

American Muskum—Although the dramatic performances which are every day given at this establishment, are of a light and pleasing character, and are very attractive, yet the bearded woman, who is a great curiosity, receme to attract hundred daily. She quietly submits to an examination of her beard.

HIPPOROME.—The entertainments which are given

as examination of her beard.

BITTODROKE.—The enter-simments which are given every evening at this establishment are attracting as manal large audiences who seem to be delighted with the other-to-races, stag hunts, and other features of the most amusing character.

CHRISTY'S OPERA HOUSE.—The megro melodies which are rendered every evening by this famous band, afford the utmost delight to the visiters. The instrumental performances and descript are admirable.

WOOD'S MINERELS.—This band has been

Woon's Ministrais.—This band has become very popular Campbell, was is Mr. Wood's agent, is very active, and Mesers. Horn. Briggs. Newcomb and Meyer are rewarded with eathquastic choses.

NEW ORIGINS SERENADRES.—Buckley's famous company of seconders are delighting their audiences at the Chitese Rooms, every right. T. d. Buckley is a capital lone player and sings well.

Owens will continues to amuse very respectable audience by his secure and soems fillustrations on his ascent of Mont Flanc.

BANARD's HOLY LAND is still being exhibited with auc-cess. The lecture is both instructive and accusing, and the scenery is beautiful.

FINANCIAL AND COMMERCIAL.

MONEY MARKET.

THURSDAY, June 9-6 P. M. There is no health or strength in the stock market. At the opening this morning there was a very mederate demand for the fancies, and quotations are weak and un-settled. At the first board Morris Canal declined 3/2 per cent; Cumberland Cosl, %; Nicaragua, %; Phoenix, %; Frie Railroad, %; Hudson River Railroad, %, New Haven Railroad M. Reading Railroad advanced M per cont At the second board there was a little more busyancy in the market, and a more notive demand for cortain functos; Morris Canni went up 16 per cent; Paccele, 1; Nicarague,

14; Brie Raffrond, 16; Hadson River Raffrond, 16. We notice a small sale to day of Farmer's Lo. m at 100, and United States Trust at 107. Rashroad bona's continue very quiet, without change in prices. Bank stokes are eccasionally sold in small lets; but as these securities fluctuate only slightly, we have no variation from pro-

vious quetations to report.

The sales at the Mining Board to day were as follows:-The sales at the Mining Board to day were as tonows:

100 shares Ulster Lead. 23/4
250 do other bases and compared to the sales and compared to the

pany two dollars per share.

The carnings of the Nerwich and Worcester Railread Company for the month of May. 1883, amounted to \$25,156 97, against \$21,448 34 for the same month last yeer, showing an increase of \$3.708 63 for the month this

a dividend of six per cent ; the Cheshire Railroad Com-

year, howing an increase of \$3 708 on for the mount that year, being about seventeen percent.

During the past year, the Portsmouth, Saco, and Portland Railroad Company have paid two regular dividends of three per cent each, and have a reserved fund of ten thousand dollars.

A bill passed the Legislature of Massachusetts, at the

last session, prohibiting the receiving or passing of the fractional bills issued by the banks of Rhode Island. A fine of \$25 will be inflicted on any one detected in receivng or passing such bills. The law will go into force en the 24th of June.

The North American Fire Insurance Company of this

city have declared a dividend of ten per cent.

The annual meeting of the Rutland and Burlington Railroad was held at Bellews Falls, yesterday. The earn-

ings of the year ending May 81, were \$495,307 45; expenditures, \$223,858 33; not income ever expenses, \$256,639 12—a gain of sixty per cont over last year. The cost of the read, so far, has been \$5,477,466. The bended debt is \$2,429,100; capital stock, \$2,397,000; floating debt,

\$485,466. We have recently devoted more space to Berdan's machine for crushing and extracting gold from quarta han we usually allot to similar inventions. The reason is obvious The most notable feature in the commercial world to day is the production of unheard of quantities of gold, and the discoveries of incalculable amounts of the precious metal imbedded in quarts. Every one who knows anything about gold mining is aware that no ma-chine has yet been employed that entirely exhausts the quartz. In California and elsewhere hundreds of tens of tailings" are cast aside daily as refuse, though their owners are well aware that they contain gold in very considerable quantities. The problem therefore, which every gold miner has constantly present to his mind, is how to contrive a machine that will so theroughly exhaust the quarts as to leave none of the precious metals in the 'tallings." Its importance can hardly be over-estimated. Were such a machine invented and applied to the quartz ores in California, it is within the bounds of possibility that our receipts of gold would be doubled.

We looked, therefore, with some interest to the trial experiments of the machine for which Mr. Berdan has taken out a patent. Through the kindness of a friend we obtained a few brief, superficial memoranda of their results, and the report of the committee appointed to suresults, and the report of the committee appointed to su-perintend them. Memorands and report were beth fa vorable to the machine. Shortly after they appeared communications reached us, tending to cast doubts both on the correctness of the conclusions to which the committee had come and on the merits of the invention. We received, among others, a letter from Mr. G. O. Paker, stating distinctly that the amalgamator had not reached Gold Hill, N.C., by 1st June; whereas, on the authority of the same gentleman who had furnished us the previous information, we had given insertion to the statement that it was working at Gold Hill before that day. In reply to this, Mr. Berdan assures us, in a letter published yesterday, that Mr. Baker never went to Gold Hill at all, and further, that he is the agent of a rival machine. We obtained also the consurrent testimony of several gentlemen of unquestionable veracity, establishing the fact that the machine was working at Gold Hill before last June, and that certain parties interested were satis-fied therewith. Mr. G. O. Baker has rejoined in a letter now before us. He reiterates his former strictures on the machine; but we are bound to say that he meither exculpates himself satisfactorily from the charge of wilfully misstating the fact with regard to the working of Berdan's orusher on lat June, nor accounts for his si-lence in his first letter with regard to his interest in a rival machine. Thus the matter rests, and we leave the public to decide between the contending parties. We can afford no more space to inquiries into Mr. Baker's

weracity or Mr. Berdan's assertions.

The main question yet remains undecided in many minds—will Berdan's machine extract from the quarts all the gold, or more gold than any other? If it will not, will Cochrane's? Will Gardiner's? We shall be happy to attend a fair, honest experiment of any, and state th result, whatever it may be. Till some such experiment is made we have said enough on the subject.

The Bankers' Magazine gives the savexed exhibit of the movement of the Pennsylvania banks, at three periods, since the discovery of the gold mines in California:

betiens, since the amount of	rue Rote mises	m Campinia.
BANKING MOVEMENT	IN PRINSYLVAN	ILA.
Liabilities. Dec 1848.	Sept 1851.	Feb. 1853.
Gapital44,830,553	67,572,025	67,623 326
Profits, undiv 6,635 450	9,409,433	8,873,266
Circulation. : 23,206,290	27,254,458	30 083 014
Due State N. Y., 8,092 960	2 184,560	1,763,550
Indiv. ceposits 29,205,333	48 901 810	81,316,058
Bank balances 13,829.637	17.238 465	80,472,105
Miscellaneous 981,727	1,461,947	3,570,108
Total liabilities, 124 281,950	164,022,702	223,681,328
Resources.		
Loads & discts 69 733 890	100,460,690	135,176,741
Loans to directors 5,265,040	6 304 661	6,410,204
Loans to brokers 2 092,286	1,973,975	6,100 538
Bds & Mertgages. 2,654,558	4,267,165	5 398 003
Stocks12,476,758	15,383 571	18,634,167
Other leans 154,660	145 708	
Total loans 92,377 142	128,475 760	171,717,653
Real estate 8,475.088	3,853,402	4,583 698
Loss & exp ac 632.103	633,965	731,744
Overdrafts 166,107	283,712	375 088
Specie 6 817 814	7 021 520	10.089 306
Cash items 5 955 472	12.018 250	16 144 816
Notes other bks. 2 506 816	2,825 510	8 690, 205
Bank balances 9,351,378	8,840,583	16.258,332
Miscelianeous		107,486
Total resources 121 281 950	104 622 702	993 561 396

otal resources, 121,281,950 104,622,702 223 561,324 It will be seen that, while the bank capital has increas ed in four years more than fifty per cent., and the leans have nearly doubled, the specie does not keep pace with the general increase under other heads. The most remarkable feature in the present exhibit, is the increase of individual deposits, from \$29,000,000 to \$81,000,000, showing the vast accumulation of capital from abroad. for temporary or permanent investment.

The Little Miami Railroad Company has declared a

semi-annual dividend of five per cent. This leaves a belance of two and a half per cent, in addition to the surplus of \$125 000, in hand on the 1st of December last. The earnings of the Cincinnati, Hamilton and Dayton Railroad Company for the month of May in each of the

past two years, were as annexed :-CIRCINNATI, HAMILTON AND DATYON RAILREAD.

Earnings. 1852. 1853.

From passengers. \$15,384 61 \$21,604 43

From freights 7,133 62 12,500 27

From mails and express. 180 92 866 49 Total......\$22,701 15 \$35,061 10 22,701 15 The Knoxville (Fennessee) Register, of the 28th ult., thus sums up the Tennessee public subscriptions to the Charles-

ton, Knoxville, Danville and Ohio Valley Railroad:-

Books of subscription, says the Register, are to be opened on the 13th of June, in the counties of Bayle, Lincoln, Pulaski, in Kentucky, and so soon as \$50,000 is subscribed, the Kentucky company will be erganized with a liberal charter. The Somerast Gasette is confident the stock will be taken, the work commenced by the 1st of August, and exhorts the people to go to work, relying first on their own means, energies and industry, and there is nothing to fear for the success of the enterprise. The Register adds that the stock in every railway in the South that is completed is above par.

The quantity and value of cotton goods of domestic

manufacture, exported from Boston during the month of May and during the first five months of 1858 compared with the same time in 1862, has been as annexed :-

WIND STOOM	ADVISION.
ckages.	Value.
6,106	\$325 412 28
87	11,261 77
	10,842 00
63	3.467 81
74	4,866 78
	152 85
	6,199 36
118	6,618 10
6.734	6367,710 95
38 526	1,962,623 59
33 154	1,640,881 76
5.372	\$321,741 84
0,014	
	87 195 63 74 8 79 118 6,734 38 528

The annexed statement exhibits the condition of the State Bank of Indiana, according to an edicial report made on the 80th of April, 1668:— STATE BANK OF INDIANA.

Bilis discounted	61,201,211	42
Bills of Exchange		-85,822,911 3
Suspended Debt	130,830	Second around
Due from Eastern banks		- 427,187 8
Due from other banks	533,582 1 547,308 4 257,674	42
Notes of other banks	301 963 893,671	
		- 1,195,684 16
Total		60,282,303
Capital steek		. 897.085 T
Dividends undrawn Profit since last dividend		66
Due to other banks	186 910 1 8,674	
Bue sinking fund, Canal Trus-	105 277	200 862 2
Due depositors	676,931	819,718 9
Less notes on hand	4,012 751	×0
	1301030	0,002,200

Wayne branches; three per cent on Michigan City, and

Mayne branches; three per cent on Michigan City, and one per cent on New Albany.

Stock Exchange.

\$17000 US 6's '67... 120 % 290 ahs Nic Trans Co. \$15/2 900 Tradiana 2% 65 60 de ... 10 81 % 17000 Eric RR 2d MBs 109 % 100 Poun Cost Co. ... 118 % 2000 Eric Isc Bonds 69% 100 Poun Cost Co. ... 118 % 2000 Eric Isc Bonds 69% 100 Poun Cost Co. ... 118 % 2000 Eric Isc Bonds 69% 100 Poun Cost Co. ... 118 % 2000 Eric Isc Bonds 69% 100 Poun Cost Co. ... 118 % 2000 Eric Isc Bonds 69% 100 Poun Cost Co. ... 118 % 2000 Eric Isc Bonds 69% 100 Poun Cost Co. ... 118 % 2000 Hud 2d Mge Bs 103 % 100 do ... 50 % 51 2000 Hud 1st Mge Bs 109 100 Parker Cost Co. ... 53 % 6 Bank Commerce. 110 100 do ... 50 % 33 % 6 Bank Commerce. 110 100 do ... 50 % 33 % 60 US Trust Co. ... 110 % 25 do ... 50 % 35 Princit Mc Co. ... 26 % 25 do ... 110 % 25 Hunt Mc Co. ... 26 % 25 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 25 Uhio Life & Trust 107 100 do ... 50 % 37 % 200 % 200 do ... 50 % 37 % 200 % 200 % 200 % 200 % 200 % 200 % 200 % 200 one per cent on New Albany.

| SECOND | BOARD | 10 shs Mich Cen RR | 1173/2 | 10 shs Mich Cen RR | 1173/2 | 10 shs Mich Cen RR | 1173/2 | 15 shs 8k NAmerica | 1093/2 | 5 Utica & Schen RR | 200 | 200 Morris Canal | 213/4 | 50 Erie Railread | 874/2 | 50 Canton Co | 32 | 100 | de | 550 | 87/2 | 100 Parker Coal Co | 32 | 200 | de | 550 | 87/2 | 100 Phresix Mining | 50 | 26 | 200 | do | 83/2 | 87/3 | 100 Phresix Mining | 50 | 26 | 200 | do | 83/2 | 87/3 | 100 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 |

Thursday, June 2—6 P. M. Ashes.—There have been 300 bbls. pearls and pots sold at former rates.

BERADSTUFFS.—Flour was in better demand and rather

firmer. The sales embraced 11,200 bbls.—Sour at \$3 81 % a \$3 83 %; superfine No. 2, at \$4 a \$4 12 %; ordinary to cheice State at \$4 43% a \$4 68%; mixed to famoy Western at \$4 43% a \$4.75; and common to good Ohio at \$4.50 a \$4.75, with other kinds at preportionate prices. Sales of 2,430 bbls. Canadian, in bond, were reported at \$4.31% a \$4.37% per bbl. Southern ruled about the same. The transmetions considered of 1,500 bbls. at \$4.75 a \$5. for mixed to oad, \$5.12% a \$5.50 for favorite; and \$5.50 a \$7 for fancy per bbl. No important movements occurred in rys flour or corn meal. Wheat was actively enquired for. The sales included \$3.900 bashels, chiefly Western, at \$1.18 a \$1.20 for white, and \$1.10 for rei received via New Orleans, and Canadian white at \$1.15 per bashel. Bys, bailey and cats were essentially unchanged. Cara seemed more active. The business comprised \$0.00 bushels at \$9.a a ble for damaged, \$20 for slightly heat-\$4.62c. a \$6c. for mixed and white Southern; \$50. for round yellow, and \$61% a \$76 for Southern do. per bushel. Convox—The market continues without change, with also to day of short 600 bales.

Copyez ruled quiet. Sales were made of \$00 bags Java at \$13%c, and \$10 kilo at \$2.50 a \$1.90 per lb Featherns.—Some 1,500 lbs. live gees were obtained at \$40 per lb Featherns.—For Liverpool there was more doing and 43% a \$4 75; and common to good Ohio at \$4 50 a \$4 75,

For Livernool there was more de

Fractions—For Liverpool there was more doing and some 2.000 to 3.000 bbl. flour were engaged at 2s. Grain was at 5d a 5½d., and cotton ½d for compressed To Glasgow 600 bbls. flour were engaged at 2s., and 100 tons log-cod at 30s. To London 75 kegs tobacco were engaged at 3s; and Australian package goods, of 306 lbs., at 5s. per package. To Have there was n. change. To Csiliforns rates ranged from 40c to 60c. per foot. A vessel was chartered to load at Bio with deals for London, at 102s. 6d

102s. 6d

First -Dry cod were in fair request. The sales consisted of 2 000 quintals, at \$2 50 a \$3 per 100 ha Mackerel ruled dull though being stiffly held, at \$13 for No. 1, \$11 50 for No. 2, and \$5 for No. 3, per bbl Sales have been made of \$1 205 bexes smoked herring, at \$50. No. 1, and 35c., for scaled per box.

FRUT -There were 500 boxes bunch raisins purchased, at \$4.75.

HAY.—Sales of 1,500 bales were effected, at 62%c. a 67%c per 100 lbs.

HOPS — About 24 bales were disposed of at 18c a 19c. ATIES were in demand at \$1.75, and tendered at \$1.87%

HAY.—Sales of 1,000 bales were effected, at 62½6. a 67½6 per 100 lbs.

Hors:—About 24 bales were disposed of at 186 a 10c. per 10.

LATES were in demand at \$1.75, and tendered at \$1.87½ a 52 per thousend.

LIME — We beard that 1,600 bils Rockland found buy-ers at 80c for common, and \$1.30 for lump per bil MoLAFES.—There were only 54 bbls. Muscaveda cold, at 24c. per sallon.

NAVAL NOOES:—No change has occurred in rosin or crude topentiue. Sales were made of 300 bbls. apirits of turpentite at 42 a 42½c per gallon; and 150 bbls. tex, from 3 at a 126 c2½ per bbl.

OHLE— Whale said sperm were neglected. Sales have been made of 5.00c gallons lin-seed at 61½ a 92c. per gallon: and 200 baleste olive at \$4 and \$5 seeh.

FROWNHORS.—Fork was very dull. The sales did not exceed 240 bbls. Western at \$13 a \$13½ for prime and \$15½ a \$15% for rises per bbl; cut meants varied lithing the sales comprised 270 pkgs. at 5% a \$50 for for gallod dot. 62, 47 %G for gmoked do; 83½ a \$30c. for dry salted hams; 8½ a \$30c. for played dot. and 42 a 126. for smoked dot; 83½ a 13½ for sucked dot. and 9 a 12c. for smoked dot. per 1b Same 250 bbls lard resilized 5% a 10c. per lb. Heef was manded to be 1b Same 250 bbls lard resilized 5% a 10c. per lb. Heef was manded to a 18 for prime uses per tierce. Butter and charge the sales comprose 280 bbls. at \$4.87 % a \$3.25 for occurry prime; \$5.75 a \$6.25 for city dot. \$11.50 a \$12.50 for repacked Chicago dot; \$14 for extra dot. per bbl; and \$18 for prime uses per tierce. Butter and cheese were as previously states per tierce. Butter and cheese were as previously states per tierce.

REAL EXATE.—Sales at suction: By James Cole—Brook. July prick house and lot adjusting, same dimensions, \$3.00c; \$10c. prick house and lot and sales for prime uses per tierce.

Batter, man Book, lot 224200 \$400; \$100; \$100; \$3.00c; \$100; \$1

per gallon.
Winss — There have been sold 100 quarier casks Pact, at 51 25 to 82 75, 100 Burgundy de., at 60c. a 190.; and 60c cases classes, at \$2 25.